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Report of the Committee on Relationships between the Harvard Community And United States Intelligence Agencies

President Bok Approves Interim Guidelines

HARVARD UNIVERSITY

OFFICE OF THE PRESIDENT

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138

May 20, 1977

Dear Colleagues:

I have read with the Report of the Committee on Relationships between the Harvard Community and United States Intelligence Agencies, the text of which appears in this issue of the *Gazette*.

The discussion and conclusions in the Report present, in my view, a balanced approach to a difficult problem. The Committee recognizes the need for effective U.S. foreign intelligence activities in today's world and the contribution that universities and their faculties and staffs can make to these activities. On the other hand, the Committee makes clear that universities must preserve their integrity and effectiveness as independent institutions and that the academic profession must maintain its reputation for independence and objectivity. Taking account of these interests, the Report sets forth guidelines for Harvard and its faculty and staff members in their relationships with U.S. intelligence agencies.

There may be differences of opinion within the Harvard community on the guidelines themselves. Clearly these are issues on which reasonable people may differ, and I would welcome any written comments.

For the time being, however, I would expect Harvard and its faculty and staff members to be sensitive to the issues discussed in the Report and to act consistently with the Committee's guidelines in any relationships they may have with U.S. intelligence agencies. The guidelines are the product of thoughtful consideration and discussion, and I believe that they serve the interests of Harvard and the United States.

As pointed out in the Report, there are likely to be questions of interpretation or situations not explicitly covered by the guidelines. The Report recommends a mechanism for resolving such problems, and I hope that you will make use of it should the need arise. In particular, if you believe that the guidelines would be unfair or unworkable in your particular case, you should feel free to discuss the matter in confidence with your dean and with me. If experience under the guidelines, changed circumstances or comments from readers of the Report indicate that revisions are needed, I will make the necessary changes.

Sincerely,

Derek C. Bok

In April, 1976 the United States Senate Select Committee to Study Governmental Operations with respect to Intelligence Activities ("the Select Committee") issued its final report. In the section of the report which discussed relationships between the American academic community and the Central Intelligence Agency ("the CIA"), the Select Committee expressed its concern over some of the relationships that have existed in recent years. The Select Committee concluded that it would not recommend legislation to remedy the problems because it viewed "such legislation as both unenforceable and in itself an intrusion on the privacy and integrity of the American academic community. The [Select] Committee believes that it is the responsibility of . . . the American academic community to set the professional and ethical standards of its members. This report on the nature and extent of covert individual relationships with the CIA is intended to alert [the academic community] that there is a problem." (p. 191—all page references are to the report of the Select Committee).

In May, 1976 President Derek C. Bok, in response to the Select Committee's report, asked each of us to serve on a Harvard committee to consider the issues raised by the Select Committee. President Bok expressed the view that the issues needed to be explored and that new rules of conduct for members of the Harvard community might be needed.

Before proceeding to the discussion section, we would like to emphasize four convictions underlying this report.

First, in this era of international tension and difficulties, it is extremely important for the United States to have an effective system of foreign intelligence.

Second, U. S. Foreign intelligence efforts, like other forms of professional work and public service, can benefit considerably from the support of research activities that directly or indirectly involve universities and their faculty members.

Third, the relationship between U.S. foreign intelligence agencies and universities must be structured in ways that protect the integrity of universities and the academic profession, and safeguard the freedom and objectivity of scholarship.

Finally, as explained in the discussion section, our proposed guidelines, which have evolved from discussion of the Central Intelligence Agency in the report of the Select Committee, should apply equally to relationships with the other intelligence agencies of the United States. [In a more general way this report may also be useful in providing guidance for relationships with other institutions, private and governmental, which may constrain the academic independence of faculty members or reduce their or universities' reputations for independence and objectivity.]

Discussion

At the outset we would like to express our appreciation to the Select Committee for its consideration of the relationships between the CIA and the academic community. Some of the past relationships alluded to in the Select Committee's report do raise serious questions, and the Select Committee deserves credit for focusing attention on these questions. The Select Committee's report itself is "an intrusion on the privacy and integrity of the American academic community" (p. 191) has become painfully clear in recent years. In writing this report and making our recommendations we are unable to be precise in describing the past relationships between the CIA and the academic community in

general or members of the Harvard University community in particular. The Select Committee itself indicates that it did not have full access to CIA records for the period from 1967 to 1976. (pp. 180-1) Certain key passages in the public version of the report of the Select Committee have been abridged for security reasons, and we have access only to the public version. Neither we nor President Bok has any specific knowledge of any covert CIA relationships with members of the Harvard community, and we have no way of determining whether any such relationship exists.

We think it is possible, however, to discuss the issues and make recommendations without having precise information on past practices. The Select Committee's report indicates some areas of concern and hints at others. By reading the report carefully and drawing reasonable inferences and by talking with a few people familiar with intelligence activities, we believe that we have identified the main problem areas and have sufficient information to carry out the mandate given to us by President Bok. Should new problems come to light, they can be dealt with within the framework of the guidelines we propose.

The CIA's involvement with the academic community has consisted of both institutional and individual relationships. The latter are a sensitive area for discussion because universities traditionally and for good reasons have exercised restraint in attempting to control the individual activities of members of their communities. There has not, however, been a complete absence of regulation either at Harvard or other institutions. For example, the Faculty of Arts and Sciences and some other Faculties at Harvard have adopted, with the approval of the Harvard Corporation, conflict of interest guidelines. The rationale of such regulation seems twofold. First, every profession, be it law, medicine or teaching, has certain obligations and standards to which its members can and should be held accountable. The obligations and standards differ in many respects from profession to profession, and in suggesting guidelines for members of the academic community we are attempting to reflect what we believe to be a consensus within the Harvard community on the standards and obligations of our profession. Second, individual actions, when one is a member of an academic community, can affect adversely the institution and other members of the community. When such actions seem to be inconsistent with professional obligations and standards, we think it appropriate for the institution to promulgate guidelines that govern such actions and are applicable to faculty and staff members.

Because relationships between the CIA and the academic community were the basis for the mandate given to our committee, our report discusses concerns related only to the CIA, and not other United States intelligence agencies. To the extent that other intelligence organizations, such as the Defense Intelligence Agency or the National Security Agency, have relationships with the academic community, we believe that our recommendations and the principles on which they are based are equally applicable to such relationships. We would suggest, therefore, that this report and the guidelines it contains be construed to apply to relationships between members of the Harvard community and all U. S. intelligence agencies. [We do not consider in this report activities of the intelligence agencies of foreign countries. These activities can pose very serious problems but they present a number of different legal and practical issues, especially when foreign nationals are involved.]

We will now proceed to a discussion of the areas of concern and our recommendations for guidelines in each area.

A. Institutional Relationships with the CIA

The CIA, like other governmental agencies, has entered into research contracts with universities to meet CIA research and analytical needs. We see no reason for Harvard to decline to enter into a contract for research which would otherwise be appropriate for a Harvard scholar simply because the research is for the CIA. As stated by the Select Committee, to meet its needs the CIA "must have unfettered access to the best advice and judgement our universities can produce . . ." (p. 191) If the CIA believes that it can benefit from work done at Harvard and if members of the Harvard community are interested in doing the work, research contracts between Harvard and the CIA are a legitimate expression of this mutual interest.

We assume, of course, that any such contracts must comply with Harvard's normal rules governing contracting with outside sponsors. These rules provide, for example, that the work cannot be classified, that results may be published by the researchers and that sponsorship may be stated when the results are published.

We would suggest, however, one additional rule in regard to Harvard research contracts with the CIA. Because of the legitimate fear of covert relationships between academic institutions and the CIA and because of the suspicions that have been aroused by recent activities of the CIA, it would be appropriate to make public, perhaps in the list of research contracts frequently published in the *Gazette*, the existence of any institutional contracts with the CIA. Such disclosure might include the subject matter of the contract, the dollar amount and the name of the principal investigator.

Recommendation: Harvard may enter into research contracts with the CIA provided that such contracts conform with Harvard's normal rules governing contracting with outside sponsors and that the existence of a contract is made public by University officials.

B. Individual Consulting Arrangements with the CIA

In addition to institutional contracts, the CIA has made arrangements with individuals within the academic community to help the CIA meet its research and analytical needs (we are not referring to CIA operational needs). On occasion these needs are met indirectly by a third party acting under contract for the CIA and informing individuals that the CIA is the client. These arrangements, whether direct or indirect, enable the CIA to obtain the benefit of expertise available in the academic community and enable academics to pursue work or engage in discussions that may be of interest to them. Many individuals at Harvard engage in this kind of activity for a variety of governmental or private organizations. We believe that consulting arrangements with the CIA do not pose any peculiar professional or institutional problems and that, consistent with any Faculty rules governing outside activities of Faculty members, members of the Harvard community may enter into such arrangements.

There would seem to be no need for consulting arrangements to be kept private because if they are, they can become subject to misunderstanding or be conducted in a way that is inconsistent with the CIA. We therefore suggest that any direct or indirect consulting arrangements with the CIA be reported in writing by the individual to the Dean of the appropriate Faculty (as may now be required for all consulting arrangements by the rules of some Faculties) and by the Dean to the

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President of the University. Any question about the consistency of a consulting arrangement with these guidelines can be resolved when the arrangement is reported to the Dean.

Recommendation: *Individual members of the Harvard community may enter into direct or indirect consulting arrangements for the CIA to provide research and analytical services. The individual should report in writing the existence of such an arrangement to the Dean of his or her Faculty, who should then inform the President of the University.*

C. CIA Recruiting on Campus

We understand that, broadly speaking, the CIA uses two methods for systematic recruiting on university campuses. The first method involves sending an identifiable CIA recruiter to interview students and others who may be interested in becoming employees of the CIA. This method is open and visible and comparable to the recruiting efforts of other public and private organizations. We think it poses no issue of principle for the academic community.

The second method involves the use of individuals who may be professors, administrators or possible students and who have an ongoing confidential relationship with the CIA as recruiters. The job of these covert recruiters is to identify for the CIA members of the community, including foreign students, who may be likely candidates for an employment or other relationship with the CIA on a regular or sporadic basis. Although we are not certain how the recruiting process works, we understand that when the recruiter believes that a likely candidate has been identified, the name of the candidate is reported to the CIA, which then conducts a background check on the individual and creates a file with the information it obtains. Neither the recruiter nor the CIA informs the individual at this stage that he or she is being considered for employment or other purposes by the CIA. If the investigation confirms the view of the recruiter, the individual is then approached to discuss a present or future relationship with the CIA.

For a number of reasons we believe that members of the Harvard community should not serve as covert recruiters for the CIA. First and most importantly, it is inappropriate for members of the academic community to be acting secretly on behalf of the government in his relationship with other members of the academic community. The existence on the Harvard campus of unidentified individuals who may be probing the views of others and obtaining information for the possible use of the CIA is inconsistent with the idea of a free and independent university. Such practices inhibit free discourse and are a distortion of the relationship that should exist among members of an academic community, and in particular of the relationship that should exist between faculty members and students.

There are other reasons for members of the Harvard community not to be involved in such a covert recruiting system if our understanding of it is correct. Foreign students pose a special problem. It is not unreasonable to suppose that recruitment of a foreign national by the CIA may lead to requests that the person engage in acts that violate the laws of his own country. We do not consider it appropriate for a member of the Harvard community—especially a faculty member who may have a teaching relationship with the foreign national—to be part of a process that may reasonably be supposed to lead to a request to an individual to violate the laws of another country. More generally, we question whether it is appropriate for a member of the Harvard community to trigger a secret background investigation of another member of the community. Such an investigation is an invasion of individual privacy, whether the subject of the investigation be a United States citizen or a foreign national. Moreover, the conduct of a secret investigation is likely to lead to additional secret governmental intrusion into the campus as the CIA tries to develop more information about the subject of the investigation. Finally, it is impossible to know to what uses the information may be put in future years and in what ways the life of the subject of the investigation may be adversely affected.

For these reasons we conclude that any member of the Harvard community who has an ongoing relationship with the CIA as a recruiter, with or without compensation, should make his or her role known to the Dean of the appropriate Faculty who in turn should inform the President of the University and the appropriate placement offices within the University. At the placement offices the names of recruiters would be available to all members of the Harvard community. Because of the CIA's authority to conduct secret background investigation, no recruiter at Harvard should suggest a name of a member of the Harvard community to the CIA as a potential employee or for other purposes without the consent of the individual.

We recognize that there are other possible CIA "recruiting" situations that do not involve an ongoing relationship between the CIA and the individual whose advice is being sought. For example, when a new President of the United States is elected, a faculty member might be asked to recommend candidates for top staff positions in the CIA. Or a faculty member who has had a consulting relationship with the CIA may be asked to recommend a colleague to undertake some specialized research for the CIA. Or a faculty member who has had a consulting relationship with the CIA may be asked to recommend a colleague to undertake some specialized research for the CIA. Occasional acts of recommendation such as these would ordinarily pose no special problems. Even here, however, an individual should exercise discretion to make certain that he or she is not causing difficulty or embarrassment for another member of the Harvard community. Depending on the circumstances, it may be appropriate to request consent from an individual before presenting his or her name to the CIA. Because of the special situation of foreign nationals, consent should be obtained before recommending a foreigner to the CIA.

Recommendation: *Any member of the Harvard community who has an ongoing relationship with the CIA as a recruiter should report that fact in writing to the Dean of the appropriate Faculty, who should inform the President of the University and the appropriate placement offices within the University. A recruiter should not give the CIA the name of another member of the Harvard community without the prior consent of that individual. Members of the Harvard community whose advice is sought on a one-time or occasional basis should consider carefully whether under the circumstances it is appropriate to give the CIA a name without the prior consent of the individual.*

D. Operational Use of Members of the Academic Community

According to the Select Committee, the CIA has used academics for a variety of operational purposes. (pp. 189-91) For security reasons the Select Committee's report does not state with any precision what these purposes have been, although it does indicate that they have included writing books and other materials for propaganda purposes, the collection of intelligence, and making introductions for intelligence purposes. It appears from the report that most of these relationships have been covert but at some universities at least one university official is aware of the operational use of the academics on the campus. The report does not state precisely what is involved in these "operational uses" or whether any of them take place on the campus. It is indicated that the "CIA considers these operational relationships with the United States academic community as perhaps its most sensitive domestic area and has strict controls governing these operations." (p. 190) These controls prohibit the use of academics who are working abroad under the Fulbright-Hays Act. (p. 190)

It is understandable that the operational use of academics should be considered a sensitive matter. The CIA's use of academics is clearly an unacceptable intrusion into the academic community. When the CIA uses an academic when he is abroad to collect intelligence or make intelligence introductions, the CIA is using with the consent of the academic the academic's ability to travel and meet with people in furtherance of his academic

work. Put most simply, the academic enterprise provides a "cover" for intelligence work. This use of the academic enterprise should not, in our opinion, continue. It inevitably casts doubt on the integrity of the efforts of the many American academics who work abroad and, as a practical matter, may make it more difficult for American academics to obtain permission to pursue their interests in foreign countries. Speaking more broadly, we believe that the use of the academic profession and scholarly enterprises to provide a "cover" for intelligence activities is likely to corrupt the academic process and lead to a loss of public respect for the academic enterprises.

We would conclude, therefore, that members of the Harvard community should not undertake intelligence operations for the CIA. They should not, for example, when travelling abroad agree to perform any introductions for the CIA or attempt to obtain any information for the CIA.

This stricture does not mean that after returning to the United States academics should refuse to discuss their travels with the CIA, if they so desire. As stated by the Select Committee, occasional debriefings, which are analogous to the consulting arrangements discussed above do not pose a "danger to the integrity of American private institutions." (p. 189) Occasional debriefings do not involve an academic's taking actions or making observations as a result of instructions in advance from the CIA. However, debriefings of an individual on a regular or systematic basis can lead to implicit understandings between the CIA and the individual on the gathering of intelligence.

The involvement of academics in writing books and other materials for propaganda is a more difficult question to assess, because the Select Committee for security reasons provides no specific examples and because there is a wide range of possible propaganda activities. We hope that members of the Harvard community would not, as a matter of personal principle, become participants in activities that are known to involve partial truths or distortions. We would suggest a complete prohibition where the academic is publicly lending his name and position to material that he knows to be misleading or untrue, such as writing a signed introduction to a fabricated diary of a defector or writing for publication a review of such a diary. In such cases the academic is using the public respect for the academic profession to gain acceptance for material that is not true, an act which seems to us inconsistent with the scholarly and professional obligations of an academic.

Recommendation: *Members of the Harvard community should not undertake intelligence operations for the CIA. They should not participate in propaganda activities if the activities involve lending their names and positions to gain public acceptance for materials they know to be misleading or untrue. Before undertaking any other propaganda activities, an individual should consider whether the task is consistent with his scholarly and professional obligations.*

E. The "Unwitting" Use of Members of the Academic Community

The Select Committee indicates that on occasion academics are used in an unwitting manner for some activities. We would assume that this means, for example, that an academic performs a task under what he believes to be private auspices when in fact he is working for the CIA.

This practice should stop. It poses dangers to the integrity of the academic community and is a violation of the rights of the individual whose services are employed. The practice also seems to be inconsistent with the CIA's internal directive that "consenting adults" may be involved in operations. (p. 189) A person should not be deemed to have consented to perform a task if he is misled about the purposes of the task and given false information on who is his employer.

Recommendation: *No member of the Harvard community should assist the CIA in obtaining the unwitting services of another member of the Harvard community. The CIA should not employ members of the Harvard community in an unwitting manner.*

F. Interpretation and Application of These Guidelines

From time to time there are likely to be questions concerning the interpretation of these guidelines in given situations. Moreover, it is likely that we have not discussed a number of other relationships between the CIA and members of the Harvard community. Should the possibility of such relationships arise, we would hope that individuals would be aware that there may be a problem that should be considered in light of the principles stated in this report. If guidance is needed, we would suggest that the matter be discussed with the Dean of the appropriate Faculty and then, if necessary, with the President of the University or a member of his staff.

Recommendation: *Questions concerning the interpretation and application of these guidelines should be discussed initially with the Dean of the appropriate Faculty and, if necessary, with the President of the University or a member of his staff.*

Conclusion

We recognize that our recommendations, if adopted, may make it more difficult for the CIA to perform certain tasks. This loss is one that a free society should be willing to suffer. We do not believe that present relationships between the CIA and the academic community, as outlined by the Select Committee, can continue without posing a serious threat to the independence and integrity of the academic community. If the academic community loses some of its independence, self-respect, and the respect of others, our society has suffered a serious loss. We believe that the potential harm to the academic enterprise, and consequently to our society, far outweighs the potential losses that the CIA may suffer.

We recognize also that our recommendations will need to be reexamined from time to time. As mentioned earlier, we do not have complete information on past practices. Our conclusions should be reviewed in the light of future experience. Moreover, times and circumstances change and may require a reevaluation of the relationship between Harvard and the government.

Our recommendations are designed to provide guidelines where there have been none in the past. As we stated near the beginning of the Discussion section of this report, we have no specific knowledge of past or present covert relationships at Harvard, and our report is not intended as criticism of the actions of any member of the Harvard community. We have tried, as suggested by the Select Committee, to suggest guidelines to protect the academic community and enable it to serve the most productive role in a free society.

Respectfully submitted,
Archibald Cox
Don K. Price
May 12, 1977

Henry Rosovsky
Daniel Steiner

■ Henry Dunster (1609?-58/59) served as president of Harvard College from 27 August 1640 until his resignation in October 1654. Born in Bury, Lancashire, England, Dunster was the son of a Puritan minister. He was educated at Merton College, Oxford, and became a Puritan before 1640 when he emigrated with his brother Richard to Boston. He had been in New England about three weeks when he was elected to the presidency of the College. —Notes, The Charter of the President and Fellows of Harvard College, 1976.